IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

CIVIL APPLICATION NO. 3310 OF 2004
IN
FIRST APPEAL NO. 1233 OF 2001

Office Notes, Office Memoranda of of Coram, appearances, Court's orders and Registrar's orders : Court's or Judge's orders

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Smt. Varsha Palav for the applicant.

Shri P.D. Dalvi for the respondent.

CORAM: P.V. KAKADE, J.

DATED: 16TH OCT., 2004

P.C.:

1. Heard both sides.

2. This is an application for temporary custody of the child during Diwali Vacation. On earlier occasion also this Court had granted temporary custody of the child during vacation and there is no reason as to why the temporary custody should be denied to the natural father of the child.

Hence, it is directed that the respondent shall give custody of the child to the applicant - natural father from 6.11.2004 till 21.11.2004 (both days inclusive).

2. The applicant father shall go to the place of the respondent to take custody of the child on 6.11.2004 and respondent shall hand over the custody of the child to the applicant. The applicant to restore the custody of the child to the respondent on the morning of 21.11.2004 at the residence of the respondent. This is purely an interim custody without prejudice to the rights and contentions of both parties to be decided at the time of final hearing of the appeal.

With this arrangement, the application stands disposed of with no order as to costs.

It is clarified that, when the applicant would come to take the custody of the child, any adult family member present in the house of the respondent, shall hand over the custody of the child, failing which the applicant shall be at liberty to take police aid on the basis of this order.

Authenticated copy be supplied.

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